



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

DEBRA MARCH
phone: (212) 356-2410
fax: (212) 356-3508
dmarch@law.nyc.gov

October 15, 2018

BY ECF and E-Mail

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: Price v. City of New York, et al., 15-CV-5871 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the New York City Law Department and the attorney assigned to represent the City of New York, Detective Simmons, Lt. Corrado, Officer Staines, and Officer Guichardo-Hermenegildo Cruz, in the above-captioned matter. I am writing to respectfully request that the Court compel plaintiff to respond to defendants' Interrogatories and Document Requests within a week of the Court's Order.

On August 13, 2018, plaintiff was served by mail with defendants' first set of interrogatories and request for production of documents. Pursuant to Federal Rule of Civil Procedure 33(b) and 34(b), plaintiff's deadline to respond to those discovery demands expired on September 17, 2018. On September 21, 2018, I e-mailed plaintiff as to whether she placed her responses in the mail, as they were due on September 17, 2018. Plaintiff requested an extension until October 9, 2018. In light of the scheduled discovery deadline of November 27, 2018, defendants informed plaintiff that because she was requesting three additional weeks from the original due date, I would need her confirmation that she would provide the responses by then. Plaintiff responded yes, that she did not foresee a problem. On October 9, 2018, I followed up by e-mail as to whether plaintiff was returning her responses on that date. In response, plaintiff stated that she would get them to me and that she had everything gathered and burning on a flash drive. On October 10, 2018 I inquired whether plaintiff placed her responses in the mail, and with no response, again on October 11, 2018. Due to receiving no responses to my e-mails, nor responses to discovery requests, I called plaintiff on October 15, 2018 and left a message, but she has not gotten back to me.

I have been trying to work with plaintiff and allow her sufficient time to respond to defendants' discovery requests in light of her *pro se* status. Despite plaintiff informing this Office that she would provide responses by October 9th, this Office has not received any

responses. Defendants are entitled to a response to these requests under Rule 33(b) and 34(b) since the parties are engaging in discovery. As plaintiff has not responded to defendants' discovery requests and in light of the November 27, 2018 discovery deadline, defendants respectfully request that the Court compel plaintiff to respond to their discovery demands within one week of the Court's Order.

Thank you for your time and consideration herein.

Respectfully submitted,
/S
Debra March
Assistant Corporation Counsel

cc: **VIA ECF**
Kelly Price
Plaintiff Pro Se